

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

FILED
 U. S. DISTRICT COURT
 EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT
 FOR THE Eastern DISTRICT OF TEXAS
Beaumont DIVISION

OCT 21 2019

BY
 DEPUTY

Johnny Ray Roulett 02151858

Plaintiff's Name and ID Number

Cleveland Unit

Place of Confinement

CASE NO. 1:19cv513

(Clerk will assign the number)

v.

Smith County ^{100 N. Broadway Ave} Tyler Texas 75702
 Defendant's Name and Address

Texas Dept. Of Public Safety Austin 78752

^{5805 N. Lamar Blvd}

^{1222 W. Dallas St}
Canton TX 75103

Smith County Sheriff's Office Tyler Texas 75702 Van Zandt County Sheriff's Office
 Defendant's Name and Address

308 E. Ferguson St

Tyler TX 75702

City of Grand Saline, Texas

Kevin Petty Smith County Constable
 Defendant's Name and Address

(DO NOT USE "ET AL.")

Unknown Deputies 1-20

Unknown Troopers

Smith County Intake Deputy Smith County Medical Staff (State) 1-10

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YES NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: _____
 2. Parties to previous lawsuit:
Plaintiff(s) _____
Defendant(s) _____
 3. Court: (If federal, name the district; if state, name the county.) _____
 4. Cause number: _____
 5. Name of judge to whom case was assigned: _____
 6. Disposition: (Was the case dismissed, appealed, still pending?) _____
 7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: Cleveland Unit

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure?

YES NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Johnny Ray Roullett # 0215785P
Cleveland Unit P.O. Box 1618 Cleveland, Texas
77328

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant#1: Smith County 100 N. Broadway
Tyler, Texas 75702

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

See Enclosed Affidavit

Defendant#2: Smith County Intake Deputy - Smith County Medical Staff - Smith County Sheriff's Office 100 N. Broadway Tyler, TX 75702

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

See Enclosed Affidavit

Defendant#3: Texas Dept. of Public Safety - Unknown State Trooper 5805 N. Lamar Austin, TX 78752

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

See Enclosed Affidavit

Defendant#4: Van Zandt County - Van Zandt County Sheriff's Office 1202 W. Dallas St Canton TX 75103

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

See Enclosed Affidavit

Defendant#5: Smith County Constable Kevin Petty
308 E. Ferguson St Tyler, Texas 75702

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

See Enclosed Affidavit

City of Grand Saline, Texas - Police Dept

See Enclosed Affidavit

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

See Enclosed Affidavit

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Money for damages

VII. GENERAL BACKGROUND INFORMATION:

- A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Johnny Ray Roulett, Johnny Roulett

- B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

D2157858

VIII. SANCTIONS:

- A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES NO

- B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date sanctions were imposed: _____
4. Have the sanctions been lifted or otherwise satisfied? YES NO

- C. Has any court ever warned or notified you that sanctions could be imposed? YES NO
- D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)
1. Court that issued warning (if federal, give the district and division): _____
 2. Case number: _____
 3. Approximate date warning was issued: _____

Executed on: 10.14.19

DATE

Johnny R. Roullett
J.R. Roullett
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 14th day of October, 20 19.
(Day) (month) (year)

Johnny R. Roullett
J.R. Roullett
(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

STATE OF TEXAS

§

COUNTY OF LIBERTY

§

AFFIDAVIT OF FACT

On the 18th day of the month of April A. D. 2017 I, Johnny Ray Roulett, a resident of Tennessee, was driving my 2005 Dodge Charger, with Tennessee tags, a bumper sticker that said "I Love My Country, But Fear My Government", and my cruise control set, down a four lane highway somewhere between Minneola and Grand Saline, Texas during the time frame of approximately 12-3:00 pm. A dark SUV was coming toward me in the other lane of the highway. As the SUV passed, going the opposite direction on the highway, it made a U-Turn in the median and came up behind me. After being behind me for approximately 3-5 minutes the SUV came up beside me. I could see the word of "Constable" on the side of the SUV. The man inside the SUV was staring at me with a real red and angry looking face. He then continued on ahead of me tapping his brakes several times.

Approximately a few minutes later I put my left blinker on and got into the left lane and continued into the turning lane. I turned onto a two lane side road and continued on my GPS route. After I was approximately 1 mile down this two lane country road I noticed, in my rear view mirror, the dark SUV turning on the same road with his red and blue lights on.

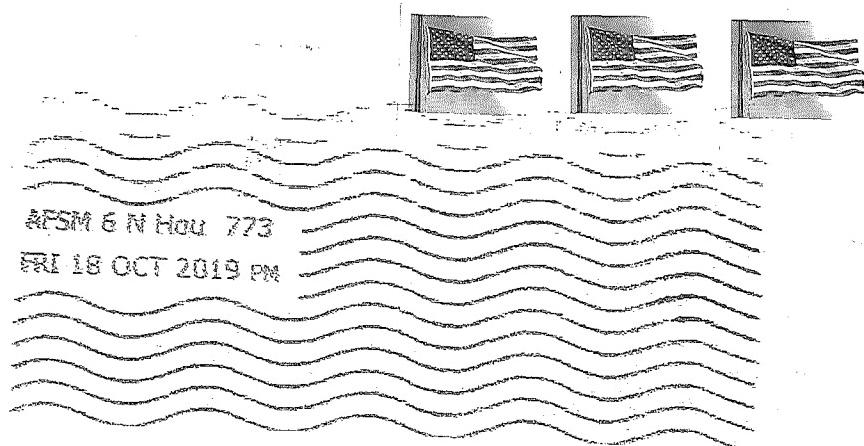
Remembering the angry face and knowing that in Tennessee Constables are elected officials that are not POST Certified I immediately dialed 911 as I felt something was wrong and I was fearful for my safety and my life. I asked the 911 operator/dispatcher if she could verify why a Constable was trying to pull me over and if he was a duly sworn Peace Officer. I told the 911 operator/dispatcher that I was from Tennessee and on a back country road and in fear for my life. She told me I needed to pull over and see what he wanted and hung up on me. Out of duress I kept driving, as I was uncertain of what to do and felt as if I may be in danger because of my bumper sticker and the red and angry face that I had seen from the man as he had passed by me on the four lane highway where he could have attempted to stop me if he wanted to.

I continued to drive until I received a phone call from **Steve Gordy** who guaranteed me that he was on the phone with the State Trooper in charge that was behind me and guaranteed my safety if I would stop. I then came to a stop and turned my car off and held my hands up high to surrender. I was lied to and not safe at all. I was at gunpoint by approximately 30 officers with a helicopter above. As I held my hands up high the officers was screaming at me to get out of my car. In fear for my life I did not want to move to fast and slowly opened my door and begin to step out slowly with my hands up. An officer runs up to me and shoots me with a Taser. As I hit the ground I am handcuffed and approximately 10 officer's start beating me while continually being tazzed. They didn't stop until I started choking on my blood and almost blacking out. When they picked me up off the ground the officer that was holding my arm asked another officer if he got him some. A few minutes later another officer walks up to me and yanked the Taser prongs out of me and said to me "your nose looks crooked" and grabbed my nose and snapped it back into place saying "let me help you with that."

I was then refused any medical treatment, I had blood coming out of my right ear and down the front of my face from my nose and ear. Both of my eyes was blackened, my nose was broken, something in my left

Johnny Ray Houlett
TDCJ #02157858
Cleveland Unit
Housing # M-106-B
P.O. Box 1678
Cleveland, Texas 77328

CLERK, U.S. DISTRICT COURT
RECEIVED
OCT 21 2019
EASTERN DISTRICT OF TEXAS
BEAUMONT, TEXAS



Clerk
United States District Court
300 Willow Street, Suite 104
Beaumont, Texas 77701-2217